

Application No. 10/072,190
Filed: February 7, 2002
Group Art Unit: 3673

REMARKS

Claims 1-20 are pending in the present application. Claims 5, 12 and 16 are cancelled, without prejudice. Claims 1-4, 6-11, 13-15 and 17-20 are amended herein. Accordingly, claims 1-4, 6-11, 13-15 and 17-20 will be pending upon entry of the instant amendments.

Support for the amended claims can be found throughout the specification and encompassed by the scope of the claims as originally filed. In particular, support for the amendment to claim 4 can be found, at least, for example, from original claims 5, 12 and 16. The amendments to the remaining claims have been made to overcome 35 U.S.C. §112, second paragraph, rejections as further explained below. No new matter has been added.

Any amendments to the claims should in no way be construed as acquiescence to any of the Examiner's rejections and was done solely to expedite the prosecution of the application. Applicant reserves the right to pursue the claims as originally filed in this or a separate application(s).

Claim Rejections - 35 U.S.C. §112

Claims 1-20 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for being narrative and failing to conform with current U.S. practice since they appear to be a literal translation into English from a foreign document. Applicant respectfully traverses the rejection. However, the claims have been amended to try to conform to the U.S. practice. Applicant believes that the claims as amended are now definite and clear thereby overcoming the foregoing rejection.

Application No. 10/072,190
Filed: February 7, 2002
Group Art Unit: 3673

Claim Rejections - 35 U.S.C. §102

Claims 4-11 and 15-19 are rejected under 35 U.S.C. §102(b) as being clearly anticipated by Ikeda (U.S. Patent 4,594,759).

Applicant respectfully traverses the foregoing rejection.

The Examiner has not proffered any arguments with respect to the foregoing rejection. However, with respect to the newly amended claim 4 made herein, Applicant asserts that Ikeda cannot anticipate the claimed invention since each and every element of the claimed invention is not described in the cited art. *Inter alia*, Ikeda fails to anticipate a collecting chamber being sealed in an air-permeable manner so that the majority of the radioactive contaminants can be suctioned off. Furthermore, Ikeda also fails to anticipate several releasable striking tools, where each tool passes through a combination of chambers arranged in various ways one above the other. The various chambers include a pressurized air feed chamber, a pressurized air expansion chamber, a suction chamber and a collecting chamber. Ikeda fails to anticipate each and every element of the claimed invention.

Claim Rejections - 35 U.S.C. §103

Claims 1-3, 12-14 and 20 are rejected under 35 U.S.C. §103(a) as being unpatentable over Ikeda in view of Aulson et al. (U.S. Patent 5,267,382).

Applicant respectfully traverses the foregoing rejection.

The present invention is directed to a method and apparatus for the mechanical decontamination of radioactively contaminated surfaces. In the practice of the invention, the volume of air suctioned off is in excess of the volume of air needed for actuation. With radioactive contaminated surfaces, very small dust-like particles are normally missed due to the difficulty in

Application No. 10/072,190
Filed: February 7, 2002
Group Art Unit: 3673

collecting airborne particulates. To avoid further contamination of radioactive materials, the volume of air suctioned off at the collecting chamber is in excess of the volume of air required for actuation of the striking tools. In addition, the collecting chamber is sealed in an air-permeable manner so that radioactive dust can be minimized and to allow for the air to be suctioned off in excess.

In contrast, Ikeda is directed to a surface-chiseling machine. Ikeda describes the machine as having three air chambers with the second air chamber having an exhausting channel communicated with an air hole. As described above, this cited reference is distinguishable from the present invention. Ikeda is absolutely silent with regard to a method or an apparatus for the mechanical decontamination of contaminated surfaces. For example, Ikeda fails to teach or suggest having a collecting chamber that is sealed in an air-permeable manner to contain radioactive dust. Furthermore, Ikeda fails to teach or suggest removing contaminated dust particles sufficiently by providing a volume of air to be suctioned off greater than the volume of air to be used for actuation. To allow for the greater volume of air to be suctioned off, the collecting chamber is sealed in an air-permeable manner. Moreover, Ikeda also fails to teach or suggest having striking tools in active communication with various chambers that are conveniently arranged to collect radioactive dust minimizing contamination. Therefore, Ikeda cannot make the invention obvious.

The secondary reference, Aulson et al., cannot cure the deficiencies found in the primary reference. Aulson et al. is directed to a needle scaling device that provides a detachable cowling with bristles. Working with radioactive materials is

Application No. 10/072,190
Filed: February 7, 2002
Group Art Unit: 3673

hazardous and it would not be obvious to device an instrument that would provide adequate containment of radioactive materials. In the practice of the invention, air-permeable seals are specifically used to prevent air-borne radioactive contaminants from leaking out of the system. In contrast, with bristles in the apparatus of Aulson et al., contaminated air can leak out. In addition, in the method of the invention, the volume of air used for suction is greater than the volume of air used for actuation. Aulson et al., in and of itself, provides no specific teaching or suggestion for preventing radioactive contaminated air from spreading. Ikeda is also deficient in this respect. Therefor, Aulson et al., either alone or in combination with Ikeda, fails to teach or suggest the invention as claimed. Applicant respectfully requests reconsideration and withdrawal of the foregoing rejection.

Application No. 10/072,190
Filed: February 7, 2002
Group Art Unit: 3673


CONCLUSION

Based on the foregoing, entry of the amendments and remarks presented herein, reconsideration and withdrawal of all the rejections and allowance of application with all pending claims are respectfully requested.

The Examiner is encouraged to telephone the undersigned attorney to discuss any matter that would expedite allowance of the present application.

Respectfully submitted,

RENÉ AMHERD

By: 
Charles L. Gagnebin III
Registration No. 25,467
Attorney for Applicant(s)

WEINGARTEN, SCHURGIN,
GAGNEBIN & LEOVICI LLP
Ten Post Office Square
Boston, MA 02109
Telephone: (617) 542-2290
Telecopier: (617) 451-0313

CSK/knr
293276-1